

18 CV 6434

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SDNY PTO JUDGE

2018 JUL 16 PM 3:24

S.D. OF N.Y.

Wilfredo TORRES

Write the full name of each plaintiff.

____ CV ____

(Include case number if one has been assigned)

-against-

The Blackstone Group

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

due process of law ; intimidation of A plaintiff
in a federal case ;

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, The Blackstone Group, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Wilfredo Torres
First Name Middle Initial Last Name

470 Second Avenue Apt. 2A
Street Address

New York N.Y. 10016
County, City State Zip Code

212 447 1737 Radwate 1111@gmail.com
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: The Blackstone Group
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)
345 Park Avenue New York, NY 10154
 County, City State Zip Code

Defendant 2: _____
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 3: _____
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: 470 Second Avenue, N.Y. N.Y. 10016

Date(s) of occurrence: From January 2016 to the present

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

See Attachment #1

FACTS:

Plaintiff's Health is Negatively Impacted by Illegal Coal Oven and Chimney:

1- Plaintiff has resided in affordable housing at 470 Second Avenue, New York, N.Y. ("the residential building") for the last 25 years.

2- Adjacent to the residential building is a commercial building located at 462 Second Avenue ("the commercial building"). On the ground floor of the commercial building is a pizzeria.

3- Bellevue South Associates ("BSA") was the landlord of the residential and the commercial buildings until December 2016.

4- Using low-interest public funds, BSA constructed these buildings as affordable housing; named them Bellevue

Houses; abandoned the affordable housing program; changed the name of the complex to Kips Bay Court Luxury Apartments; and in December 2016 sold them to defendant of this case, The Blackstone Group ("Blackstone") for \$700 million.

5- In about 2004 a commercial coal-fired oven and chimney was installed in the commercial building.

6- The chimney was and is located about 50 feet from the windows of plaintiff's apartment.

7- In about 2008 the oven and chimney began to release noxious gases and other pollutants that entered plaintiff's apartment.

8- The noxious gases and other pollutants from the oven and chimney interfered with the plaintiff's sleep and exacerbated

his asthma.

The noxious gases and other pollutants posed a serious public health risk.

9- In about 2008 plaintiff began to complain to BSA and to the New York City Department of Buildings ("DOB"), about the noxious gases released by the oven and chimney.

10- Plaintiff repeatedly notified BSA and DOB that the illegally constructed oven and chimney adjacent to his second-floor apartment represented a serious health risk, including exacerbating his asthma.

11- On September 13, 2018 a DOB violation was issued for the illegal chimney.

12- On August 10, 2015 DOB issued a Notice to Revoke the pizza oven permit, along with a partial Stop Work Order.

13- Plaintiff continued making complaints to BSA, DOB, Department of Investigation ("DOI"), 311.

14- On or about July 6, 2015 the Fire Department issued a summons regarding the coal oven, number 35184928, ordering that "solid fuel cooking operations be discontinued".

15- BSA and DOB continued to ignore these violations.

Unlawful Search and Seizure of Plaintiff and Plaintiff's Apartment on September 28, 2015:

16- On September 28, 2015 plaintiff was alone in his apartment, asleep.

17- At about 9:00 AM that morning, members of the New York City Police Department ("NYPD") accompanied by BSA employee Drogalic, broke down the plaintiff's apartment-door, and entered the apartment without a warrant or other

justification.

One of the police officers had his gun drawn.

18- The police officers detained and interrogated the plaintiff, and searched his apartment without any legal justification or warrant.

19- The police officers continuously repeated that the plaintiff had been calling the Department of Buildings.

20- One of the police officers wrote on a piece of paper the name of DOB's Inspector General, Dennis Mc Gowan, and stated: "this is the guy that sent us here".

21- No other explanation about the police action was provided to plaintiff.

22- After detaining and intimidating the plaintiff for about one hour, the police officers left the apartment without issuing

any arrest or summons.

23- Prior to this unlawful search and seizure plaintiff was not threatening anyone, bothering anyone, physically attacking anyone, causing any disturbance, and was well-groomed, clothed, and appeared in good physical health.

24- Despite BSA's and DOB's attempts to intimidate the plaintiff, he hired an attorney to pursue the violation of the Illegal coal oven and chimney.

25- On March 25, 2016 plaintiff's attorney sent a letter to DOB demanding compliance with the law in relation to the coal oven and chimney, but the letter was ignored.

Unlawful Search and Seizure and Detention of Plaintiff on April 28, 2016:

26- On April 26, 2016, plaintiff entered NYU Hospital for Joint Diseases ("NYU") to have spine surgery.

27- Plaintiff was due to be discharged on April 29, 2016, but on his own volition chose to return home on April 28, 2016.

28- Plaintiff walked the ten (10) short blocks to his home.

29- He was able to care for himself at home during his recovery, and was only prescribed Ibuprofen to manage the pain.

30- Later that day while plaintiff was at home resting, Fire Department ("NYFD") personnel along with BSA employee Elijah Smalls, and the NYPD broke down plaintiff's apartment door and illegally entered.

31- On information and belief, NYU had called 311 stating that Plaintiff had left the hospital.

32- Although plaintiff made clear to the NYPD, NYFD, and paramedics present that he did not need help, he was

hancuffed and forcibly taken by ambulance to HHC Bellevue Hospital as a John Doe although they obviously knew who he was.

33- Plaintiff was assaulted by hospital personnel, three (3) times injected with drugs to put him to sleep, subjected to numerous involuntary medical procedures including taking urine and blood samples, held for 24 hours, and released as a John Doe with a perfunctory and false diagnosis of delirium.

34- Plaintiff filed a Notice of Claim with the City of New York, and commenced case 16CV2362 in the SDNY federal Court.

Blackstone's Role of Intimidation and Retaliation to Discourage Plaintiff From Pursuing Case 16CV2362:

35- By refusing to eliminate the violation of the illegal coal oven and chimney, Blackstone attempts to intimidate the plaintiff from pursuing case 16CV2362.

36- Since it took possession of Kips Bay Court in January 2016, Blackstone has ignored the multiple requests by the plaintiff to eliminate the illegal coal oven and chimney.

37- Blackstone has also ignored the complaints of the plaintiff about its employees stealing his mail, including voluminous legal briefs about case 16CV2362 which they have stolen using the name "Gonzalez".

BSA former employee and defendant in that case, Elijah Smalls, was kept in his position as Superintendent of Kips Bay Court when Blackstone took over, and as such he is in charge of all mail and package delivery operations.

38- Blackstone also damages the credit rating of the plaintiff by falsely and maliciously fabricating a charge of "arrears" in his monthly bills.

Wilfredo Torres

Wilfredo Torres

470 Second Avenue Apt.2A

New York, N.Y. 10016

Tel. 212-447-1737

Dated: July 16, 2018

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Asthma Exacerbation, PTSD, insomnia, Anxiety, tremors, pain, headaches, Plaintiff suffered damage to his spinal surgery making it necessary to undergo medical treatment & possible additional surgery.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Compensatory damages for intimidation as a federal plaintiff; conspiracy to steal documents of federal court case; damages in the amount of three (3) million dollars.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

7-16-18

Dated

Wilfredo Torres

Plaintiff's Signature

Wilfredo

First Name

Middle Initial

Torres

Last Name

470 Second Avenue Apt. 2A

Street Address

New York,

County, City

N.Y.

State

10016

Zip Code

212-447-1737

Telephone Number

radhate1111@gmail.com

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.